

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEE MAIN,

Defendant.

CR-10-52-M-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 8, 2023. (Doc. 125.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 7, 2023. (Doc. 123.) The United States accused Brandon Main, (Main) of violating his conditions of supervised release 1) by using methamphetamine; 2) by failing to report for substance abuse testing; 3) by possessing methamphetamine; and 4) by consuming alcohol. (Doc. 116.)

At the revocation hearing, Main admitted that he had violated the terms of his supervised release 1) by using methamphetamine; 2) by failing to report for substance abuse testing; 3) by possessing methamphetamine; and 4) by consuming alcohol. (Doc. 123) The Court finds that the violations prove serious and warrants revocation of Main's supervised release and recommended a custodial sentence of 12 months and 1 day, with no supervised release to follow. (Doc. 125.) Main was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 123.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 125) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Brandon Lee Main be sentenced to the Bureau of Prisons for a sentence 12 months and 1 day, with no supervised release to follow.

DATED this 8th day of March, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court